

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE SAFETY INSPECTION AUTHORITY OF THE DEPARTMENT OF LABOR AND INDUSTRY WITH REGARD TO METAL AND NONMETALLIC MINING OPERATIONS; AUTHORIZING THE PROVISION OF INSPECTION REPORTS TO WORKERS' COMPENSATION INSURERS; REQUIRING POSTING OF VIOLATION NOTICES; AMENDING SECTIONS 50-71-321, 50-72-201, AND 50-72-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-71-321, MCA, is amended to read:

**"50-71-321. Periodic inspections.** (1) ~~Except as provided in 50-72-201 and 50-72-202, the~~ The department shall inspect from time to time all the places of employment defined in the Montana Workers' Compensation Act as being hazardous and the machinery and appliances in those places of employment for the purpose of determining compliance.

(2) A report of a periodic inspection must be filed ~~in the office of~~ with the department ~~and a~~ . A copy of that report must be given to the employer and must be made available to the employer's workers' compensation insurer. ~~The report may not be open to public inspection or made public except on order of the department or by the department in the course of a hearing or proceeding."~~

**Section 2.** Section 50-72-201, MCA, is amended to read:

**"50-72-201. Inspectors.** (1) ~~Except as provided in subsection (2), as long as the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq., is administered and enforced with respect to metallic and nonmetallic mines in Montana by means that include regular inspections of mines by federal inspectors, the department is not authorized to conduct inspections of those mines. If regular inspections of Montana metallic and nonmetallic mines by federal inspectors in the enforcement of the federal act are discontinued by federal action, the~~ The department is authorized to may employ an adequate number of qualified inspectors to conduct

~~inspections of metallic and nonmetallic mine inspectors mining operations~~ necessary for the enforcement of this chapter and shall prescribe their powers, duties, and responsibilities.

~~(2) The department is authorized to employ an adequate number of qualified inspectors for sand and gravel mining operations and to prescribe the powers, duties, and responsibilities of those inspectors."~~

**Section 3.** Section 50-72-202, MCA, is amended to read:

**"50-72-202. Inspections and investigations -- when authorized -- posting of violation notice.** (1)

~~Except as provided in subsection (2), as long as the Federal Mine Safety and Health Act of 1977 is administered and enforced with respect to metallic and nonmetallic mines in Montana by means that include regular inspection of mines by federal inspectors, the department is not authorized to make inspections in those mines. If inspections of Montana metallic and nonmetallic mines by federal inspectors in the enforcement of the federal act are discontinued by federal action, the~~

~~(1) The department is authorized to make inspections and investigations that are necessary in surface and underground~~ may inspect and investigate at any time mines that are subject to this chapter for the purpose of:

~~(a) for the purpose of obtaining, using, and disseminating information relating to:~~

~~(i) health and safety conditions in mines;~~

~~(ii) the causes of accidents involving bodily injury or loss of life;~~ or

~~(iii) the causes of occupational diseases originating in surface and underground the mines; and~~

~~(b) for the purpose of determining whether or not there is compliance with a health and safety standard or order issued under this chapter.~~

~~(2) The department is authorized to make inspections and investigations with respect to sand and gravel mining operations for the purposes prescribed under subsections (1)(a) and (1)(b):~~

~~(2) A report of periodic inspection must be filed with the department, and a copy of that report must be provided to the employer.~~

~~(3) An employer that receives a notice from the department of a violation of safety statutes, rules, or regulations shall conspicuously post a copy of the notice of violation at or near each location where a violation occurred. If it is not feasible to post a copy of the notice of violation at or near a location where a violation occurred, the employer shall conspicuously post a copy of the notice of violation at one or more locations in the workplace where notices to employees are normally posted and reasonably calculated to provide notice to any~~

1 employee who may be subject to the hazards noted in the violation."

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3 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2007.

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